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Attorneys for Plaintiff City of Spokane

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

CITY OF SPOKANE, a municipal
corporation located in the County of
Spokane, State of Washington,

Plaintiff,
v.

MONSANTO COMPANY, SOLUTIA
INC., and PHARMACIA
CORPORATION, and DOES 1 through
100,

Defendants.

Case No.: 2:15-cv-00201-SMJ

**DECLARATION OF ALICIA BUTLER
IN OPPOSITION TO DEFENDANTS'
MOTIONS IN LIMINE**

Declaration of Alicia Butler in Opposition to
Defendants' Motions in Limine - 1

MICHAEL C. ORMSBY, City Attorney
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1 I, Alicia Butler, hereby declare:

2 1. I am an attorney licensed to practice law in the State of Texas and authorized to
3 practice before this Court. I am counsel of record the City of Spokane in the above-
4 styled matter.
5

6 2. I submit this Declaration in support of Plaintiff's Opposition to Defendants'
7 Motions in Limine in the above-styled matter.
8

9 3. **Exhibit A** is a true and correct copy of the Expert Report "Monsanto's
10 Manufacture, Promotion and Sale of Polychlorinated Biphenyls (PCBs)" by Jack V.
11 Matson, Ph.D., P.E., dated August 6, 2019.
12

13 4. **Exhibit B** is a true and correct copy of the "Expert Report of Gerald Markowitz,
14 Ph.D., and David Rosner, Ph.D." dated October 11, 2019.
15

16 5. **Exhibit C** is a true and correct copy of a May 18, 2016 memorandum from Dave
17 Dilks to the Spokane River Regional Toxics Task Force, Bates Stamped PCB-
18 SPOKANE-00834281.
19

20 6. **Exhibit D** is a true and correct copy of excerpted portions of the January 7, 2020
21 deposition of Robert Kaley.
22

23 7. **Exhibit E** is a true and correct copy of excerpted portions of the January 8, 2020
24 deposition of Robert Kaley.
25
26
27

28 Declaration of Alicia Butler in Opposition to
Defendants' Motions in Limine - 2

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8. **Exhibit F** is a true and correct copy of a 1979 EPA publication, “Polychlorinated Biphenyls: An Alert for Food and Feed Facilities.”

9. **Exhibit G** is a true and correct copy of an excerpt from the Expert Report of John Woodyard, PE.

10. **Exhibit H** is a true and correct copy of a February 23, 1973 letter Bates-stamped MONS_092757.

11. **Exhibit I** is a true and correct copy of is a true and correct copy of excerpts from the Deposition of John Schell, Ph.D., on January 11, 2018.

12. **Exhibit K** is a true and correct copy of an excerpt of the deposition of Robert Kaley dated January 9, 2020.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ Alicia D. Butler
Alicia D. Butler

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Declaration of Alicia Butler in Opposition to
Defendants’ Motions in Limine - 3

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.

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Declaration of Alicia Butler in Opposition to
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